

SCOTTSDALE

# CITY COUNCIL MEETING

## MEETING NOTICE AND AGENDA



### COUNCIL

Mary Manross, Mayor

Betty Drake

Wayne Ecton

W.J. "Jim" Lane

Robert W. Littlefield

Ron McCullagh

Tony Nelssen

Tuesday, April 15, 2008

**5:00 P.M.**

### CITY COUNCIL MEETING

**Call to Order** – City Hall Kiva Forum, 3939 N. Drinkwater Boulevard

### Roll Call

### Pledge of Allegiance

### Invocation

### Presentations/Information Updates

### Approval of Minutes

REGULAR MEETINGS

[March 18, 2008](#)

SPECIAL MEETINGS

[March 25, 2008](#)

[April 1, 2008](#)

WORK STUDY SESSIONS

EXECUTIVE SESSIONS

### Public Comment

Citizens may complete one Request to Speak "Public Comment" card per night and submit it to the City Clerk before or during this evening's meeting. Please check the box that refers to "Public Comment." This "Public Comment" time is reserved for citizen comments regarding non-agendized items. No official Council action can be taken on these items. **Speakers are limited to three minutes to address the Council during "Public Comment" time.**

## CONSENT AGENDA

ITEMS 1-31

**How the Consent Agenda Works:** The Council may take one vote to act on all items on the Consent Agenda, or may remove items for further discussion. Every interested citizen will have one opportunity to speak on any or all Consent Agenda items. If you wish to speak on these items, please complete a Request to Speak card for each topic you wish to address. **You will be given at least three minutes to speak on all the Consent Agenda items you wish to address. Additional time for multiple agenda items will be at the Mayor's discretion.**



PERSONS WITH A DISABILITY MAY REQUEST A REASONABLE ACCOMMODATION BY CONTACTING THE CITY CLERK'S OFFICE AT (480-312-2412). REQUESTS SHOULD BE MADE 24 HOURS IN ADVANCE, OR AS EARLY AS POSSIBLE TO ALLOW TIME TO ARRANGE ACCOMMODATION. FOR TTY USERS, THE ARIZONA RELAY SERVICE (1-800-367-8939) MAY CONTACT THE CITY CLERK'S OFFICE (480-312-2412).

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After all speakers have finished, the City Council will decide which items to remove for additional discussion and/or presentation from staff. Items not removed from the Consent Agenda will be considered in one motion. Items removed for clarification or discussion by the Council will be acted on as appropriate.

1. **Benedetto's Restaurant (Restaurant) Liquor License**  
**Request:** Consider forwarding a recommendation on Application No. 14-LL-2008 to the Arizona Department of Liquor Licenses and Control for a series 12 (restaurant) liquor license for an existing location with a new owner.  
**Location:** 8140 N. Hayden Road, Suite 115  
**Staff Contact(s):** Frank Gray, Planning and Development Services General Manager, 480-312-2890, [fgray@scottsdaleaz.gov](mailto:fgray@scottsdaleaz.gov); Connie Padian, Chief Planning and Administration Officer, 480-312-2664, [cpadian@scottsdaleaz.gov](mailto:cpadian@scottsdaleaz.gov)
2. **Danny's Scottsdale & TB (Beer and Wine Store) Liquor License**  
**Request:** Consider forwarding a recommendation on Application No. 15-LL-2008 to the Arizona Department of Liquor Licenses and Control for a series 10 (beer and wine store) liquor license for an existing location.  
**Location:** 15515 N. Scottsdale Road  
**Staff Contact(s):** Frank Gray, Planning and Development Services General Manager, 480-312-2890, [fgray@scottsdaleaz.gov](mailto:fgray@scottsdaleaz.gov); Connie Padian, Chief Planning and Administration Officer, 480-312-2664, [cpadian@scottsdaleaz.gov](mailto:cpadian@scottsdaleaz.gov)
3. **Millennium Resort (Hotel/Motel) Liquor License**  
**Request:** Consider forwarding a recommendation on Application No. 16-LL-2008 to the Arizona Department of Liquor Licenses and Control for a series 11 (hotel/motel) liquor license for an existing location with a new owner.  
**Location:** 7401 N. Scottsdale Road  
**Staff Contact(s):** Frank Gray, Planning and Development Services General Manager, 480-312-2890, [fgray@scottsdaleaz.gov](mailto:fgray@scottsdaleaz.gov); Connie Padian, Chief Planning and Administration Officer, 480-312-2664, [cpadian@scottsdaleaz.gov](mailto:cpadian@scottsdaleaz.gov)
4. **Fired Up Pizza and Wine (Beer and Wine) Liquor License**  
**Request:** Consider forwarding a recommendation on Application No. 17-LL-2008 to the Arizona Department of Liquor Licenses and Control for a person to person transfer of a series 7 (beer and wine) liquor license for an existing location changing ownership.  
**Location:** 7337 E. Shea Boulevard, Suite 105  
**Staff Contact(s):** Frank Gray, Planning and Development Services General Manager, 480-312-2890, [fgray@scottsdaleaz.gov](mailto:fgray@scottsdaleaz.gov); Connie Padian, Chief Planning and Administration Officer, 480-312-2664, [cpadian@scottsdaleaz.gov](mailto:cpadian@scottsdaleaz.gov)

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5. **Noodles Ranch Vietnamese Cuisine (Restaurant) Liquor License**  
**Request:** Consider forwarding a recommendation on Application No. 18-LL-2008 to the Arizona Department of Liquor Licenses and Control for a series 12 (restaurant) liquor license for a new location.  
**Location:** 2765 N. Scottsdale Road, Suite 104  
**Staff Contact(s):** Frank Gray, Planning and Development Services General Manager, 480-312-2890, [fgray@scottsdaleaz.gov](mailto:fgray@scottsdaleaz.gov); Connie Padian, Chief Planning and Administration Officer, 480-312-2664, [cpadian@scottsdaleaz.gov](mailto:cpadian@scottsdaleaz.gov)
6. **X-Tapa Joe's (Restaurant) Liquor License**  
**Request:** Consider forwarding a recommendation on Application No. 19-LL-2008 to the Arizona Department of Liquor Licenses and Control for a series 12 (restaurant) liquor license for an existing location with a new owner.  
**Location:** 7500 E. Pinnacle Peak Road, Suite J  
**Staff Contact(s):** Frank Gray, Planning and Development Services General Manager, 480-312-2890, [fgray@scottsdaleaz.gov](mailto:fgray@scottsdaleaz.gov); Connie Padian, Chief Planning and Administration Officer, 480-312-2664, [cpadian@scottsdaleaz.gov](mailto:cpadian@scottsdaleaz.gov)
7. **New York's Best Italian Bistro (Restaurant) Liquor License**  
**Request:** Consider forwarding a recommendation on Application No. 20-LL-2008 to the Arizona Department of Liquor Licenses and Control for a series 12 (restaurant) liquor license for an existing location with a new owner.  
**Location:** 13901 N. 73<sup>rd</sup> Street, Suite 215  
**Staff Contact(s):** Frank Gray, Planning and Development Services General Manager, 480-312-2890, [fgray@scottsdaleaz.gov](mailto:fgray@scottsdaleaz.gov); Connie Padian, Chief Planning and Administration Officer, 480-312-2664, [cpadian@scottsdaleaz.gov](mailto:cpadian@scottsdaleaz.gov)
8. **The Herb Box Catering/Eatery/Market (Beer and Wine Bar) Liquor License**  
**Request:** Consider forwarding a recommendation on Application No. 21-LL-2008 to the Arizona Department of Liquor Licenses and Control for a location transfer of a series 7 (beer and wine bar) liquor license for an existing location.  
**Location:** 20707 N. Pima Road, Suites 140 and 145  
**Staff Contact(s):** Frank Gray, Planning and Development Services General Manager, 480-312-2890, [fgray@scottsdaleaz.gov](mailto:fgray@scottsdaleaz.gov); Connie Padian, Chief Planning and Administration Officer, 480-312-2664, [cpadian@scottsdaleaz.gov](mailto:cpadian@scottsdaleaz.gov)
9. **The Herb Box Catering/Eatery/Market (Restaurant) Liquor License**  
**Request:** Consider forwarding a recommendation on Application No. 22-LL-2008 to the Arizona Department of Liquor Licenses and Control for a series 12 (restaurant) liquor license for an existing location and owner.  
**Location:** 6990 E. Shea Boulevard, Suites 116 and 117  
**Staff Contact(s):** Frank Gray, Planning and Development Services General Manager, 480-312-2890, [fgray@scottsdaleaz.gov](mailto:fgray@scottsdaleaz.gov); Connie Padian, Chief Planning and Administration Officer, 480-312-2664, [cpadian@scottsdaleaz.gov](mailto:cpadian@scottsdaleaz.gov)

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10. **Club Rain Lounge Conditional Use Permits for Bar and Live Entertainment (22-UP-2007 and 1-UP-2008)**

**Requests:**

1. Approve a Conditional Use Permit (22-UP-2007) for a bar use on a portion of the subject property located within Papago Plaza Shopping Center.
2. Amend the stipulations of a previously approved Conditional Use Permit for live entertainment by replacing it with a new Conditional Use Permit (1-UP-2008) on a portion of the subject property located within the Papago Plaza Shopping Center.
3. Adopt **Resolution No. 7547** affirming the Conditional Use Permit for a bar and finding that the conditional use permit criteria have been met.
4. Adopt **Resolution No. 7546** affirming the Conditional Use Permit for live entertainment and finding that the conditional use permit criteria have been met.

**Location:** 1420 N. Scottsdale Road, southwest corner of East McDowell and North Scottsdale roads

**Related Policies, References:**

- 21-UP-86: Night club with patron dancing
- 21-UP-86#2: Amendment for extended hours and live music
- 21-UP-86#3: Amended stipulations for live entertainment Conditional Use Permit to facilitate a teen dance center

**Staff Contact(s):** Frank Gray, Planning and Development Services General Manager, 480-312-2890, [fgray@scottsdaleaz.gov](mailto:fgray@scottsdaleaz.gov); Lusia Galav, Current Planning Director, 480-312-2506, [lgalav@scottsdaleaz.gov](mailto:lgalav@scottsdaleaz.gov)

11. **Clayton Rezoning (19-ZN-2007)**

**Requests:**

1. Rezone from Service Residential District, Downtown Overlay (S-R/DO) to Downtown, Office Residential, Type 2 (D/OR-2) on an 18,656 square-foot site.
2. Adopt **Ordinance No. 3778** affirming the rezoning.

**Location:** 7540 and 7546 E. First Street

**Related Policies, References:** General Plan, Downtown Plan

**Staff Contact(s):** Frank Gray, Planning and Development Services General Manager, 480-312-2890, [fgray@scottsdaleaz.gov](mailto:fgray@scottsdaleaz.gov); Lusia Galav, Current Planning Director, 480-312-2506, [lgalav@scottsdaleaz.gov](mailto:lgalav@scottsdaleaz.gov)

12. **Our Lady of Perpetual Help Rezoning (20-ZN-2007)**

**Requests:**

1. Rezone from Service Residential District (S-R) to Multiple-family Residential District (R-5) on an 8.4 net-acre site (10 gross acres).
2. Approve a Parking Master Plan that would reduce the required parking by 34 percent. Pursuant to the Zoning Ordinance, the Planning Commission is not required to take action regarding the item, although any comments will be forwarded to the City Council for consideration.
3. Adopt **Ordinance No. 3779** affirming the rezoning.
4. Adopt **Resolution No. 7539** affirming the Parking Master Plan.

**Location:** 3801 N. Miller Road, southeast corner of East Main Street and North Miller Road

**Related Policies, References:** General Plan

**Staff Contact(s):** Frank Gray, Planning and Development Services General Manager, 480-312-2890, [fgray@scottsdaleaz.gov](mailto:fgray@scottsdaleaz.gov); Lusia Galav, Current Planning Director, 480-312-2506, [lgalav@scottsdaleaz.gov](mailto:lgalav@scottsdaleaz.gov)

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13. **4235 North Marshall Way In Lieu Parking Request (1-IP-2008)**

**Requests:**

1. Approve the purchase of two in-lieu parking credits.
2. Adopt **Resolution No. 7545** affirming the purchase.

**Location:** 4235 N. Marshall Way

**Staff Contact(s):** Frank Gray, Planning and Development Services General Manager, 480-312-2890, [fgray@scottsdaleaz.gov](mailto:fgray@scottsdaleaz.gov); Lusia Galav, Current Planning Director, 480-312-2506, [lgalav@scottsdaleaz.gov](mailto:lgalav@scottsdaleaz.gov)

14. **Rassner/Library and Scottsdale Community/Human Service Endowments**

**Request:** Adopt **Resolution No. 7520** approving the distribution of interest income from the City's endowment program for FY 2008/09.

**Related Policies, References:**

- Resolution No. 6112 dated July 1, 2002, authorized field-of-interest agreements with the Arizona Community Foundation and identified City boards to assist in the recommendations as to distribution of funds
- Resolution No. 7198, passed and adopted April 24, 2007, approved the distribution of interest income for the City's endowment program for FY 2007/08

**Staff Contact(s):** Debra Baird, Community Services General Manager, 480-312-2480, [dbaird@scottsdaleaz.gov](mailto:dbaird@scottsdaleaz.gov)

15. **Authorization to Apply for Proposition 202 Annual Tribal Gaming Revenue**

**Request:** Adopt **Resolution No. 7490** authorizing the Government Relations Director to submit Proposition 202 grant applications to the various local Indian Nations on behalf of the City during the period of July 1, 2008 through June 30, 2009.

**Related Policies, References:**

- Arizona Revised Statutes Section 5-601.01, codifying in part Proposition 202, an initiative measure approved by the electors at the November 5, 2002 general election
- On April 24, 2007, the City Council approved Resolution No. 7208 authorizing the Government Relations Director to submit Proposition 202 grant applications to the various local Indian Nations on behalf of the City during the period of July 1, 2007 through June 30, 2008

**Staff Contact(s):** Bridget Schwartz-Manock, Intergovernmental Relations Director, [bschwartzmanock@scottsdaleaz.gov](mailto:bschwartzmanock@scottsdaleaz.gov), 480-312-2423

16. **General Fund Allocation for Public Human Services**

**Request:** Adopt **Resolution No. 7521** approving the recommendations of the Human Services Commission for allocation of FY 2008/09 for Human Services General Fund projects in the amount of \$200,000; authorizing the Mayor to execute contracts for services to be funded through this program that exceed the formal bid limit of \$25,000; and authorizing the Community Services General Manager, or designee, to execute those that do not exceed the formal bid limit.

**Related Policies, References:**

- Resolution No. 7199, passed on April 24, 2007, approved allocation of Human Services General Fund projects for FY 2007/08
- Scottsdale Revised Code Section 2-180, Purpose; Director Power and Duties; Delegation
- Procurement Code Procedure P2-180.2, Procurement Delegation
- Scottsdale Revised Code Section 2-185, Informal and formal procurement limits
- Scottsdale Revised Code Section 2-201, Award of Contract

**Staff Contact(s):** Debra Baird, Community Services General Manager, 480-312-2480, [dbaird@scottsdaleaz.gov](mailto:dbaird@scottsdaleaz.gov)

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### 17. [Scottsdale Cares Allocation](#)

**Request:** Adopt **Resolution No. 7522** approving the recommendations of the Human Services Commission for allocation of FY 2008/09 for Scottsdale Cares programs in the amount of \$240,000; authorizing the Mayor to execute contracts for services to be funded through this program that exceed the formal bid limit of \$25,000; and authorizing the Community Services General Manager, or designee, to execute those that do not exceed the formal bid limit.

**Related Policies, References:**

- Ordinance No. 2744, passed and adopted on February 21, 1995 (Scottsdale Revised Code Section 2-138), authorizing the voluntary utility donation program Scottsdale Cares
- Resolution No. 7200, passed and adopted on April 24, 2007, approved allocation of Scottsdale Cares for FY 2007/08
- Scottsdale Revised Code Section 2-180, Purpose; Director Power and Duties; Delegation
- Procurement Code Procedure P2-180.2, Procurement Delegation
- Scottsdale Revised Code Section 2-185, Informal and formal procurement limits
- Scottsdale Revised Code 2-201, Award of Contract

**Staff Contact(s):** Debra Baird, Community Services General Manager, 480-312-2480, [dbaird@scottsdaleaz.gov](mailto:dbaird@scottsdaleaz.gov)

### 18. [Intergovernmental Agreement for Joint Audits and Sharing of Certain Tax Information](#)

**Request:** Adopt **Resolution No. 7540** authorizing the Mayor to execute Intergovernmental Agreement No. 2008-051-COS between the City and the State of Arizona Department of Revenue for joint audits and the sharing of certain tax information.

**Related Policies, References:** Appendix C (Privilege and Excise Taxes) of the Scottsdale Revised Code.

**Staff Contact(s):** Craig Clifford, Financial Services General Manager/Chief Financial Officer, 480-312-2364, [cclifford@scottsdaleaz.gov](mailto:cclifford@scottsdaleaz.gov)

### 19. [City Tax Code Amendments](#)

**Requests:**

1. Adopt **Resolution No. 7535** declaring the certain document entitled “July 1, 2008 Amendment to Appendix C of the Scottsdale Revised Code Privilege and Excise Taxes,” to be a public record.
2. Adopt **Ordinance No. 3780** amending the City Tax Code, Appendix C of the Scottsdale Revised Code, to implement changes to Sections 100, 415 416, and 465 to exempt income attributed to installation and sale of solar energy devices to match State statute language; to implement changes to Section 415, 416, and 417 to exempt income attributed to direct costs of architectural and engineering services to match State statute language; and to implement changes to Section 100 to change definition for “out-of-state sale.”

**Staff Contact(s):** Craig Clifford, Financial Services General Manager/Chief Financial Officer, 480-312-2364, [cclifford@scottsdaleaz.gov](mailto:cclifford@scottsdaleaz.gov)



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**20. [Intergovernmental Agreements for Project Administration and Reimbursement for Intersection Improvement Projects](#)**

**Requests:**

1. Adopt **Resolution No. 7548** authorizing Intergovernmental Agreement No. 2008-054-COS with the Maricopa Association of Governments (MAG) for the purpose of project administration and reimbursement of eligible costs incurred by the City for intersection improvement projects at Shea and 90<sup>th</sup>/92<sup>nd</sup>/96<sup>th</sup> streets.
2. Adopt **Resolution No. 7549** authorizing Intergovernmental Agreement No. 2008-055-COS with MAG for the purpose of project administration and reimbursement of eligible costs incurred by the City for intersection improvement project at Shea and Mayo/134<sup>th</sup> Street.
3. Adopt **Resolution No. 7550** authorizing Intergovernmental Agreement No. 2008-056-COS with MAG for the purpose of project administration and reimbursement of eligible costs incurred by the City for intersection improvement project at Shea and Via Linda, Phase 1.

**Related Policies, References:**

- MAG Arterial Life Cycle Program (ALCP) dated February 27, 2008
- MAG Arterial Life Cycle Program Policies and Procedures dated December 19, 2007
- City Procurement Code
- Code of Federal Regulations

**Staff Contact(s):** Mary O'Connor, Transportation General Manager, 480-312-2334,  
[moconnor@scottsdaleaz.gov](mailto:moconnor@scottsdaleaz.gov)

**21. [Intergovernmental Agreement for Signalization at the 56<sup>th</sup> Street and Dynamite Boulevard Intersection](#)**

**Request:** Adopt **Resolution No. 7559** authorizing Intergovernmental Agreement No. 2008-059-COS with the Maricopa County Department of Transportation and the City of Phoenix for the design and construction of a new traffic signal at the intersection of 56<sup>th</sup> Street and Dynamite Boulevard.

**Related Policies, References:** 2007 Design Standards and Policies Manual; City Procurement Code

**Staff Contact(s):** Mary O'Connor, Transportation General Manager, 480-312-2334,  
[moconnor@scottsdaleaz.gov](mailto:moconnor@scottsdaleaz.gov)

**22. [Notice of Intention to Increase Water and Sewer Rates and Establish the Date for a Public Hearing](#)**

**Request:** Adopt Notice of Intention to Increase Water and Sewer Rates for FY 2008/09 and establish May 20, 2008 as the date for a public hearing.

**Staff Contact(s):** Marshall Brown, Water Resources General Manager, 480-312-5683,  
[mbrown@scottsdaleaz.gov](mailto:mbrown@scottsdaleaz.gov)

**23. [Public Defender Services for City Court](#)**

**Request:** Adopt **Resolution No. 7565** authorizing five professional services contracts to provide legal counsel for criminal defense representation of indigent and quasi-indigent defendants in the City Court as follows:

1. Professional Services Contract No. 2008-062-COS with Tara Egita
2. Professional Services Contract No. 2008-063-COS with Jason Smith
3. Professional Services Contract No. 2008-064-COS with Alicia Morrison

(Continued on next page)

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4. Professional Services Contract No. 2008-065-COS with Diego Rodriguez
5. Professional Services Contract No. 2008-066-COS with Scott Silva

**Related Policies, References:** The United States Constitution; the Arizona Constitution; and the Rules of Criminal Procedure for the State of Arizona, Section III Rights of Parties, Rule 6 – Attorneys, Appointment of Counsel

**Staff Contact(s):** B. Monte Morgan, Presiding Judge, 480-312-7027, [bmorgan@scottsdaleaz.gov](mailto:bmorgan@scottsdaleaz.gov); Janet Cornell, Court Administrator, 480-312-2775, [jcornell@scottsdaleaz.gov](mailto:jcornell@scottsdaleaz.gov)

### 24. [Settlement of Antunez v. City of Scottsdale](#)

**Request:** Adopt **Resolution No. 7577** authorizing settlement for a total sum not to exceed \$31,300 to resolve a lawsuit entitled Atunez v. City of Scottsdale, Case No. CV2006-017391, currently pending in Maricopa County Superior Court.

**Staff Contact(s):** Deborah Robberson, City Attorney, 480-312-2405, [drobberson@scottsdaleaz.gov](mailto:drobberson@scottsdaleaz.gov)

### 25. [Resolution Calling the 2008 Municipal Elections](#)

**Request:** Adopt **Resolution No. 7578** calling the City of Scottsdale's General Election for Tuesday, September 2, 2008, and Runoff Election, if necessary, for Tuesday, November 4, 2008, for the purpose of electing a Mayor and three Council members.

**Related Policies, References:**

- The Scottsdale City Charter establishes the time of holding general elections and runoff elections, if necessary, in even numbered years on the first calendar dates authorized by state law establishing mandatory election dates
- Maricopa County Elections Department is statutorily required to provide voter registration and other election services

**Staff Contact(s):** Carolyn Jagger, City Clerk, 480-312-2411, [cjagger@scottsdaleaz.gov](mailto:cjagger@scottsdaleaz.gov)

### 26. [Intergovernmental Agreement with Valley Cities to Share Law Enforcement Information](#)

**Requests:**

1. Adopt **Resolution No. 7571** authorizing Intergovernmental Agreement No. 2008-068-COS with the cities of Chandler, Mesa, Tempe and the Town of Gilbert for the purpose of sharing law enforcement information via the AZLink Eastern Region Node managed by the City of Mesa.
2. Authorize Professional Services Contract No. 2008-069-COS with Knowledge Computing LLC in support of Intergovernmental Agreement No. 2008-068-COS.

**Related Policies, References:**

- The City is authorized to enter into the Intergovernmental Agreement pursuant to A.R.S. § 11-952, Scottsdale City Charter, Article 1, § 3-1, and Professional Services Agreement No. 2008-068-COS, Agreement with Knowledge Computing, LLC pursuant to the City Purchasing Code
- Intergovernmental Agreement No. 2007-157-COS approved by the City Council on November 6, 2007

**Staff Contact(s):** Alan Rodbell, Chief of Police, 480-312-1900, [arodbell@scottsdaleaz.gov](mailto:arodbell@scottsdaleaz.gov)



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27. **Purchase of Police Uniforms and Ballistic Vests**

**Request:** Adopt **Resolution No. 7576** authorizing a purchase order(s) against Solicitation No. 08PB029 for the purchase of Police Department uniforms and ballistic vests in the total amount of \$333,991.

**Related Policies, References:** RFP No. 08PB029

**Staff Contact(s):** Alan Rodbell, Chief of Police, 480-312-1900, [arodbell@scottsdaleaz.gov](mailto:arodbell@scottsdaleaz.gov)

28. **Construction Bid Award for Cactus Road Improvements from Loop 101 to 96th Street**

**Requests:**

1. Adopt **Resolution No. 7492** authorizing Construction Bid Award No. 08PB060 to Achen Gardner, Inc., the lowest responsive bidder, at their unit price bid of \$6,455,048.71, for construction of Cactus Road improvements.
2. Authorize payment to Arizona Public Service, Cox Communications, and Qwest Corporation in an approximate amount of \$900,000 for the conversion of overhead 12kV lines, installation of streetlights, and relocation of existing utilities along Cactus Road.

**Related Policies, References:**

- On October 14, 2003, Council approved Engineering Services Contract No. 2003-154-COS with Stantec Consulting for the design of improvements to Cactus Road from Pima Freeway to Frank Lloyd Wright Boulevard
- On November 11, 2005, Council adopted Resolution No. 6723 authorizing the acquisition of various rights-of-way interests from properties located along Cactus Road from the Pima Freeway to Frank Lloyd Wright Boulevard
- On January 30, 2007, Council approved Construction Bid Award No. 07PB008 to Hunter Contracting Co., the lowest responsive bidder, at their unit price bid of \$9,348,745.81 for the construction of Cactus Road between 96<sup>th</sup> Street and Frank Lloyd Wright Boulevard

**Staff Contact(s):** Dan Worth, Municipal Services General Manager, 480-312-2776, [dworth@scottsdaleaz.gov](mailto:dworth@scottsdaleaz.gov)

29. **Construction Services Contract for Grayhawk Community Park – Phase 1**

**Requests:**

1. Adopt **Resolution No. 7516** authorizing CM@Risk Construction Phase Services Contract No. 2008-030-COS with Valley Rain Construction Corporation for the Guaranteed Maximum Price of \$8,866,668 for construction of Grayhawk Community Park – Phase 1 and Well Site No. 140.
2. Authorize a capital budget transfer of \$546,947 from the CIP Contingency Fund to CIP Project P0602, Grayhawk Community Park – Phase 1.

**Related Policies, References:**

- On December 7, 1999, Council approved the Municipal Use Master Site Plan for the site (5-MP-99)
- On July 11, 2006, Council awarded Engineering Services Contract No. 2006-115-COS to Olsson Associates for the design of Grayhawk Community Park – Phase 1
- On September 19, 2006, Council awarded Engineering Services Contract No. 2006-018-COS to Valentine Environmental Engineers, L.L.C., for design of a new Aquifer Storage and Recovery (ASR) groundwater well and two ASR monitor wells located on the Grayhawk Community Park site
- On January 16, 2007, Council awarded CM@Risk Design Phase Services Contract No. 2006-178-COS to Valley Rain Construction Corporation for construction of Grayhawk Community Park – Phase 1

**Staff Contact(s):** Dan Worth, Municipal Services General Manager, 480-312-2776, [dworth@scottsdaleaz.gov](mailto:dworth@scottsdaleaz.gov)

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30. **[Design Phase Services Contract for Gateway Access Area \(Preserve Trailhead\) Improvements](#)**

**Request:** Adopt **Resolution No. 7570** authorizing CM@Risk Design Phase Services Contract No. 2008-070-COS in the amount of \$99,730 with Valley Rain Construction Corporation for design phase services at the Gateway Access Area (Preserve Trailhead).

**Related Policies, References:**

- McDowell Sonoran Preserve Access Areas Report, approved by the McDowell Sonoran Preserve Commission and accepted by the Council in 1994 and updated in 1999
- Conceptual Preserve Trails Plan approved by the McDowell Sonoran Preserve Commission and accepted by the Council in 1998
- Trails Master Plan approved by the Council in February 2004
- McDowell Sonoran Preserve Access Area Design and Sites Standards Manual which serves as the basis for preparation of the design and construction for the Gateway Access Area amenities
- The Preserve Ordinance approved by the Council in May 2000 establishes general rules and regulations for activities in the McDowell Sonoran Preserve

**Staff Contact(s):** Dan Worth, Municipal Services General Manager, 480-312-2776, [dworth@scottsdaleaz.gov](mailto:dworth@scottsdaleaz.gov)

31. **[Construction Services Contract for Phase 2 WestWorld Improvements](#)**

**Request:** Adopt **Resolution No. 7542** authorizing CM@Risk Construction Phase Services Contract No. 2008-027-COS-A1 with Johnson Carlier, Inc., for phase 2 construction services at a Guaranteed Maximum Price of \$1,218,138 for WestWorld horse barns, site improvements, restrooms, and show offices.

**Related Policies, References:**

- Council approved the WestWorld Master Development Site Plan on March 4, 2003
- On July 9, 2007, Council authorized Architectural Services Contract No. 2007-087-COS with Fucello Architects for the design of the new WestWorld horse barns, site improvements, restrooms, and show offices
- On September 4, 2007, Council authorized CM@Risk Design Phase Services Contract No. 2007-070-COS with Johnson Carlier, Inc., for preconstruction services for the new WestWorld horse barns, site improvements, restrooms, and show offices
- On March 18, 2008, Council authorized Contract No. 2008-027-COS with Johnson Carlier, Inc., for phase 1 construction services to provide a new telecommunications building and related infrastructure improvements; and underground electrical and site utilities associated with construction of the new horse barns, restrooms, and show office buildings

**Staff Contact(s):** Dan Worth, Municipal Services General Manager, 480-312-2776, [dworth@scottsdaleaz.gov](mailto:dworth@scottsdaleaz.gov)

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**How the Regular Agenda Works:** The Council takes a separate action on each item on the Regular Agenda. If you wish to address the Council regarding any or all of the items on the Regular Agenda, please complete a Comment Card for each topic you wish to address and submit it to the City Clerk. Speakers will be given at least three minutes to speak per item. Additional time may be granted to speakers representing two or more persons. Cards for designated speakers and the persons they represent must be submitted together. **Comment cards must be submitted before public testimony has begun on any regular agenda or public hearing item.**

### 32. **Community Development Block Grant (CDBG) Fiscal Year 2008/09 Annual Action Plan, Including HOME Investment Partnerships Program (HOME) Funding Allocations**

#### **Requests:**

1. Solicit public testimony regarding the Fiscal Year 2008/09 Annual Action Plan for use of CDBG allocated funds in the amount of \$1,152,250; the HOME allocated funds in the amount of \$341,128; and the American Dream Downpayment Initiative (ADDI) allocated funds in the amount of \$3,778.
2. Adopt **Resolution No. 7479** which:
  - Authorizes the submittal of Scottsdale's Annual Action Plan for FY 2008/09 and authorizes the City Manager to execute a contract with the U.S. Department of Housing and Urban Development (HUD) for CDBG funding for FY 2008/09, contingent on approval of the City's proposed Fiscal Year 2008/09 budget.
  - Approves the recommendations of the Human Services Commission for the allocation of FY 2008/09 CDBG, HOME, and ADDI funds, which includes a \$100,000 transfer from the General Fund for affordable housing related activities, and authorizes the Mayor to execute contracts to agencies, subject to final negotiation of scopes of work.
  - Approves the return of City of Scottsdale's Housing Rehabilitation program income to the City's CDBG Line of Credit to be expended on eligible rehabilitation activities and authorizes the Community Assistance Manager to execute all documents related to the Housing Rehabilitation Program.
  - Authorizes the Community Assistance Office to administer the Housing Rehabilitation and Roof Repair and Replacement programs.
  - Approves reprogramming of remaining resources under prior years' funding.

#### **Related Policies, References:**

- City Council adopted Resolution No. 6656 on April 19, 2005 which authorized and adopted the City of Scottsdale's Five-Year Consolidated Plan for general use of CDBG and HOME funds for Fiscal Years 2005/09.
- Subsequently, the City Council has adopted a resolution in each year of the three years to date, the latest being the adoption of Resolution No. 7180 on April 24, 2007, which authorized and adopted the third program year action plan. FY 2008/09 will be the fourth year of the five-year cycle.

**Staff Contact(s):** Debra Baird, Community Services General Manager, 480-312-2480, [dbaird@scottsdaleaz.gov](mailto:dbaird@scottsdaleaz.gov)

**Mayor and Council Items begin on the following page**

## MAYOR AND COUNCIL

## ITEMS 33-34

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### Mayor and Council Items

#### 33. [Citizen Petition Requesting Research Findings for Neighborhood Circulation Plans](#)

**Request:** Consideration of, and possible action on, a citizen petition, as provided for by City Charter regarding a request for the City Attorney's research findings concerning local neighborhood street circulation plans. The petition was provided to the Council at the April 1, 2008 City Council Meeting by Mr. Leon Spiro. The petition requests the City Attorney's research findings in answer to Councilman Tony Nelssen's question: "if the current neighborhood circulation plans are in violation of a City code or ordinance."

**Related Policies, References:** City Charter, Article 2, Section 16 states: "Consideration of petitions. Any citizen of the city may appear before the council at any regular meeting and present a written petition; such petition shall be acted upon by the council, in the regular course of business, within thirty (30) days."

**Staff Contact(s):** Deborah Robberson, City Attorney, 480-312-2405, [drobberson@scottsdaleaz.gov](mailto:drobberson@scottsdaleaz.gov)

#### 34. [Legislative Update](#)

**Request:** Provide an update to the City Council and receive possible direction regarding current and pending State legislative issues and policies.

**Staff Contact(s):** Bridget Schwartz-Manock, Intergovernmental Relations Director, [bschwartzmanock@scottsdaleaz.gov](mailto:bschwartzmanock@scottsdaleaz.gov), 480-312-2423

### Public Comment

Citizens may complete one Request to Speak "Public Comment" card per night and submit it to the City Clerk before or during this evening's meeting. Please check the box that refers to "Public Comment." This "Public Comment" time is reserved for citizen comments regarding non-agendized items. No official Council action can be taken on these items. **Speakers are limited to three minutes to address the Council during "Public Comment" time.**

### City Manager's Report

### Mayor and Council Items

### Adjournment